

# EXHIBIT E

EPSTEIN

DRANGEL

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September 25, 2015

**VIA CERTIFIED MAIL & E-MAIL**

Ani Kesisoglu, President  
 Marine Export, Inc.  
 625 South Hill Street, Suite 136  
 Los Angeles, CA 90014  
 Eyseluck2009@hotmail.com

Re: Meira T Designs – Notice of Infringement

Dear Ms. Kesisoglu:

We represent International Diamond Importers, Inc. d/b/a I.D.I. Design and Meira T Designs (collectively, hereinafter “IDI”) in connection with the enforcement of IDI’s intellectual property rights. Since 1999, IDI’s feminine, wearable, and modern jewelry designs, including its signature copyrighted jewelry designs incorporating off-center charms, sold under the Meira T brand name, have cultivated a cult-like following (hereinafter, “Meira T Jewelry Designs”). A-list celebrities and models are often pictured wearing Meira T Jewelry Designs in magazines, on television shows, and in movies. Meira T Jewelry Designs are sold exclusively by fine independent jewelry retailers, as well as upscale department stores worldwide.

All registered and unregistered intellectual property rights in and to Meira T Jewelry Designs are owned by IDI. IDI is the owner of U.S. Trademark Reg. Nos. 4,555,105 for MEIRA T and 4,555,107 for MEIRA T (stylized) (hereinafter collectively, “IDI Marks”), as well as all copyrights in and to Meira T Jewelry Designs (hereinafter collectively, “IDI Works”), and associated trade dress, defined as “off-center asymmetric design comprising a large center jewel or piece with the size and/or quantity of pendants on one side being greater than the other side”<sup>1</sup> (hereinafter, “IDI Trade Dress”), which collectively provide IDI with substantial proprietary rights (IDI Marks, IDI Works and IDI Trade Dress are hereinafter collectively, “IDI IP Rights”). This includes the right to restrict the unauthorized use of IDI IP Rights. IDI has gone to great lengths to protect its interests in and to the IDI IP Rights, and no one other than IDI is authorized to use the IDI IP Rights without the express permission of IDI.

Marine Export, Inc. (“Marine Export”), without IDI’s permission, is manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling jewelry, which is substantially similar to certain IDI Works and confusingly similar to IDI Trade Dress. We enclose herewith a picture of the IDI Works at issue and a copy of the relevant copyright registration certificate, along with the pertinent pages of the deposit materials, as well as pictures of the infringing copies offered by Marine Export (hereinafter “Disputed Jewelry Designs”). A side-by-side comparison of the IDI Works and the Disputed Jewelry Designs confirms that your company is selling substantially similar, if not identical copies, of IDI Works. We have reason to believe that Marine Export is copying more than one of the IDI Works and/or infringing the IDI Trade Dress.

<sup>1</sup> See *Int’l Diamond Imps., Inc. v. Oriental Gemco Ny, Inc.*, 2014 U.S. Dist. LEXIS 164567 (S.D.N.Y. November 24, 2014) (In denying Defendant’s Motion to Dismiss, the Hon. Judge Shira A. Scheindlin recently held that in using the same definition of the IDI Trade Dress articulated herein, IDI “has sufficiently alleged the scope of the specific trade dress”).



Ani Kesisoglu, President  
Marine Export, Inc.  
September 25, 2015  
Page 2

Marine Export's actions constitute, among other things, copyright infringement under 17 U.S.C. § 501, trade dress infringement, and unfair competition under 15 U.S.C. § 1125(a). Federal civil penalties for infringement of registered copyrights, provided in 17 U.S.C. § 504, allow IDI to recover actual damages, including Marine Export's profits plus damages to IDI, or statutory damages. If pursued in court, upon showing that the infringement of IDI Works was willful, IDI is entitled to statutory damages of up to \$150,000 per infringement plus attorneys' fees.

IDI has invested substantial resources in promoting its IDI Trade Dress and as a result of such efforts, members of the industry and IDI's customers readily recognize the IDI Trade Dress and associate it with IDI. The Disputed Jewelry Designs manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, retailed, offered for sale, and/or sold by Marine Export evoke a confusingly similar commercial impression to the IDI Trade Dress. It is evident that you and/or your business(es) copied the IDI Trade Dress in an effort to trade on the goodwill and fame associated with IDI and the IDI IP Rights. Federal remedies for Marine Export's actions for trade dress infringement and unfair competition include its profits, damages sustained by IDI and reasonable attorney's fees and costs of the action. The court may also increase the damages up to three times the amount found as actual damages or illicit profits (see 15 U.S.C. § 1117(b)) and issue an injunction barring further use of the IDI IP Rights.

You should also be aware that Marine Export may be manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling other products in addition to the Disputed Jewelry Designs which also infringe IDI IP Rights. Marine Export is therefore under a duty to investigate its inventory to determine whether it is manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and/or selling any other products which infringe the IDI IP Rights. Further, from the date of receipt of this letter you should not destroy, distribute, return or sell any of the Disputed Jewelry Designs or any other of Marine Export's products that may infringe IDI IP Rights. These items are evidence and therefore, must be preserved in the event that this matter proceeds to litigation.

Accordingly, IDI demands that Marine Export immediately discontinue all sales of ANY and ALL Disputed Jewelry Designs and any and all other jewelry designs that infringe IDI IP Rights. Furthermore, IDI demands that you provide us with the following information:

1. The quantity, location and dollar value of all existing inventories of the Disputed Jewelry Designs and any and all other jewelry designs that infringe IDI IP Rights;
2. A full accounting of all sales (dates, quantity and price) of the Disputed Jewelry Designs and any and all other jewelry designs that infringe IDI IP Rights;
3. If the Disputed Jewelry Designs and any and all other jewelry designs that infringe IDI IP Rights are not being manufactured, assembled and/or fabricated by Marine Export, the identity and address of the person and/or entity who manufactures, assembles and/or fabricates the Disputed Jewelry Designs and any and all other jewelry designs that infringe IDI IP Rights; and
4. Written assurance by Marine Export that the Disputed Jewelry Designs and any and all other jewelry designs that infringe IDI IP Rights are no longer being offered for sale, any remaining inventory has been removed from sale, all

Ani Kesisoglu, President  
Marine Export, Inc.  
September 25, 2015  
Page 3

advertising has been discontinued and your remaining inventory will be delivered to IDI for destruction.

We are hopeful that your immediate compliance with these demands will lead to a mutually agreeable basis for redressing any past infringement and ensuring future compliance with Federal copyright, trademark and trade dress laws. In view of the seriousness of this matter and the damage to IDI in the marketplace, we must have your favorable response within **seven (7) calendar days** from the date of this letter. If we do not receive a response, IDI has authorized our law firm to take all further actions necessary to protect its interests. Nothing in this letter shall be construed as a waiver or relinquishment of any right or remedy possessed by IDI.

Best regards,

A handwritten signature in cursive script, appearing to read "Kerry Brownlee".

Kerry Brownlee

Enclosures  
cc: IDI



Disputed Jewelry Designs (infringe IDI Works and IDI Trade Dress)	IDI Works
	
	
	

Disputed Jewelry Designs (infringe IDI Trade Dress)			
			

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

Register of Copyrights, United States of America

**Registration Number**  
**VA 1-862-202**

**Effective date of  
registration:**  
September 5, 2012

**Title** \_\_\_\_\_

**Title of Work:** 2010 Collection

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2010

**Date of 1st Publication:** January 1, 2010

**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

■ **Author:** Meira T. Designs

**Author Created:** jewelry design

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** Meira T. Designs

17 East 48th Street, New York, NY, 10017

**Certification** \_\_\_\_\_

**Name:** Meira Tugendhaft

**Date:** September 5, 2012

**Correspondence:** Yes







